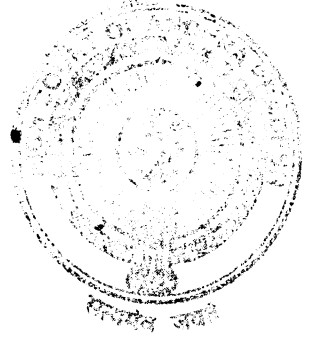


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IN THE HIGH COURT OF ANDHRA PRADESH AT
AMARAVATI
(Ordinary Original Civil Jurisdiction)



Coram: HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR
AND
HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

TAKEN UP W.P. (SR) No.14718 of 2021

In Re: Letter dated 15-5-2021 addressed by Sri B.Adinarayana Rao, Senior Advocate, alleging indiscriminate beating of Sri Kanumuri Raghu Rama Krishnam Raju, Member of Parliament, by CID police, Mangalagiri, Guntur District.

AND

1. The State of Andhra Pradesh,
Rep. by Principal Secretary, Home Department,
AP Secretariat, Velagapudi, Amaravathi,
Guntur District, Andhra Pradesh.
2. The Director-General of Police, Mangalagiri, Guntur District,
Andhra Pradesh.
3. The Additional Director General of Police (CID),
DGP Office, Mangalagiri, Guntur District, Andhra Pradesh.
4. Station House Officer, CID Police Station, Mangalagiri, Guntur
District, Andhra Pradesh

.....Respondents

Counsel for the petitioner: Sri B.Adinarayana Rao, Senior Advocate
Counsel for the respondents: Additional Advocate General

ORAL INTERIM ORDER: (per the Hon'ble Sri Justice C.Praveen Kumar)

1. Pursuant to a letter addressed by Sri B.Adinarayana Rao, Senior Advocate, to the Hon'ble Chief Justice/Hon'ble Vacation Judge, High Court of Andhra Pradesh, Amaravati, dated 15.05.2021 at 5.28 PM by way of a House Motion, a Division Bench is constituted to hear the matter. A perusal of the letter would indicate that the request appears to be for issuance of *Habeas Corpus*, as a detention of detenu beyond

5.00 PM amounts to illegal detention as his remand was not accepted by the Magistrate.

2. A perusal of the letter shows that a case in Crime No.12 of 2021 was registered in CID Police Station, Mangalagiri, Guntur District, Andhra Pradesh. The accused in the said case by name Sri Kanumuri Raghurama Krishnam Raju was alleged to have been arrested on 14.05.2021 at 4.00 PM at Hyderabad and thereafter he was brought to Regional Office, CID Police Station, Guntur and kept in lock up without allowing anybody to meet him. An application seeking bail vide Criminal Petition No.2998 of 2021 was moved by way of a House Motion yesterday night, and the same was directed to be listed before the Hon'ble Sri Justice K.Suresh Reddy. It is stated that due to some technical problems, the matter could not be taken up yesterday night and it was taken up today morning. After hearing the learned Senior Counsel Sri B. Adinarayna Rao and also learned Additional Advocate General Sri P. Sudhakar Reddy, the application was dismissed with a direction to the petitioner to move the Sessions Court for bail. Thereafter, the accused was produced before the VI Additional Metropolitan Magistrate, Guntur, for remand. At that time it was noticed by the Advocates present in the Court that the accused was beaten and he was not in a position to walk and there are visible injuries on his body and also on his legs and feet. The accused also confirmed the said fact to the Advocate present in the Court. The

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contents of the letter further indicate that the learned Magistrate returned the remand report on the ground that the accused being a Member of Parliament, permission of the Speaker is very much essential. As the accused is in the Court Hall and since he needs medical examination immediately, the counsel submits that the present application is moved seeking appropriate orders including production of the accused before this court.

3. Sri B. Adinarayana Rao, learned Senior Counsel, appearing for the petitioner, submits that at the time of hearing the house motion, for bail, yesterday night, on telephone, it was understood that the accused shall be kept at the place where he is now and that he shall be given medicines for the ailments with which he is suffering and also allow food from outside. It was further stated by him that the accused will be in police custody till orders are passed in the bail application. According to Sri B. Adinarayana Rao, the learned Additional Advocate General also stated that all necessary precautions shall be taken in so far as the health of the accused is concerned. He further submits that he, being a sitting Member of a Parliament, is having 'Y' category security, with four CRPF armed guards escorting him all the time. According to him, the guards were not allowed to enter the Police Station since yesterday night. Having regard to all the circumstances stated above and taking into consideration the nature of injuries, Sri B. Adinarayana Rao submits that a Medical Board headed

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by Superintendent of Government General Hospital, Guntur along with one Head of the Department of General Medicine and another Member to be nominated by the Superintendent of the Government General Hospital, Guntur, may be constituted to note down the nature of injuries, if any, on the body, as claimed and also the age of the injuries, if any. He pleads that having regard to the circumstances, the examination of the injured be videographed in the presence of the family members and family Doctor. Learned Senior Counsel also submits that at the time of the examination of the accused, the presence of the family members and a family Doctor be allowed. He also submits that the statement of the accused recorded by the Magistrate, along with the Video containing the examination of accused, be directed to be sent to the Court.

4. Sri P. Sudhakar Reddy, learned Additional Advocate General, strongly opposes the allegations made with regard to the acts of beating the accused. He submits that till rejection of the bail application, there was no complaint from the accused. He further submits that the Doctor has already examined the detenu and no complaint was made when he was examined by the Doctor and only after the accused is brought to the Court, a story is built up as if he was beaten. He further submits that he has no objection for examination of the accused by a Medical Board, as suggested by the learned Senior Counsel, but, however, opposes the presence of the

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family members or a family Doctor at the time of examination. According to him, four CRPF guards, who were present with the accused when he was arrested, showed their arms at the CID Police, threatening them. He further submits that the argument of the learned senior counsel that the remand of the accused was rejected is incorrect. According to him, the remand was returned due to technical objections.

5. It is pointed out by Sri B. Adinarayana Rao, learned Senior Counsel, that statement of the accused is recorded by the learned Magistrate in the chambers and that he is not aware about the contents of the same. He further submits that since the remand of the accused is not accepted, the authorities have to release him forthwith and any detention further would amount to illegal detention. He further submits that if the police resort to beating of a Member of Parliament, one can understand the plight of a normal man. According to him the acts of the Police, are contrary to the directions given by the Hon'ble Apex Court in D.K.Basu and Joginder Singh's case. Since the immediate relief, which is now claimed, is the medical examination by a competent Medical Board, we hereby constitute a Medical Board headed by the "Superintendent of Government General Hospital, Guntur." The second Member of the Board would be the Head of Department of General Medicine of Government General Hospital, Guntur, while the third Member would be a Government Doctor,

nominated by the Superintendent of Government General Hospital, Guntur. These three Doctors shall forthwith examine the accused, who will be produced before them by the Police and the examination of the accused shall be videographed by the hospital authorities. The videographed cassette, report of the medical board should be kept in a sealed cover and be handed over to the Principal District Judge, Guntur District, who in turn shall forward the same to the Vacation Officer of the High Court Mr. M.Nageswara Rao, who shall keep it in safe custody. We further direct that the statement of the accused, if recorded by the Magistrate, as pleaded by the counsel for the petitioner, shall also be kept in a sealed cover and handed over to the Principal District Judge, Guntur, who in turn shall forthwith forward the same to the Vacation Officer of the High Court.

6. Sri B. Adinarayana Rao, learned Senior Counsel, further pleads that if situation warrants, the accused be treated as an inpatient in the Hospital. Without expressing any opinion on the same, it is left open to the Members of Medical Board to decide on the same. The request of the petitioner for the presence of family members and family Doctor at the time of examination is rejected. The further request made by the learned senior counsel that his personal security guards should be allowed to be with the accused is also rejected. As submitted by learned Additional Advocate General, necessary

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protection shall be given by the State Police, if the accused is admitted as inpatient in the Hospital.

7. List on 16.05.2021 at 12 noon.

**SD/- K.TATA RAO
ASSISTANT REGISTRAR**

//True Copy//

T. Tata Rao
SECTION OFFICER 15/5

To,

1. The Principal District Judge, Guntur, Guntur District, A.P.
2. The VI Additional Metropolitan Magistrate, Guntur, Guntur District, A.P.
3. The Superintendent, Government General Hospital, Guntur, Guntur District, A.P.
4. The Member, Head of the Department of General Medicine of Government General Hospital, Guntur, Guntur District, A.P.
5. The Principal Secretary, Home Department, State of A.P., Secretariat, Velagapudi, Amaravati, Guntur District.
6. The Director General of Police, Mangalagiri, Guntur, Guntur District, A.P.
7. The Additional Director General of Police (CID), DGP Office, Mangalagiri, Guntur District, A.P.
8. The Station House Officer, CID Police Station, Mangalagiri, Guntur District, A.P.
9. One CC to Sri B.Adinarayana Rao, Senior Counsel, High Court of A.P. [OPUC]
10. Two CC's to Addl. Advocate General, High Court of A.P.[OUT]
11. Two CC's to Public Prosecutor, High Court of A.P. [OUT]
12. Two CC's to Special Public Prosecutor (CID), High Court of A.P. [OUT]
13. Sri M.Nageswara Rao, Vacation Officer, High Court of A.P. at Amaravati.
14. Two CD copies

SKM

HIGH COURT

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**CPK,J
&
LK,J**

DATED: 15.05.2021

NOTE: LIST ON 16.05.2021 AT 12 NOON.

ORDER

TAKEN UP WP (SR) NO. 14718 OF 2021

DIRECTION

